

REMARKS*Review of the Interview*

Initially, Applicant wishes to gratefully acknowledge the courteous interview at the United States Patent and Trademark Office that was granted by the Examiner during which certain issues deemed pertinent to the present application were discussed.

Issues Pertaining to Sequences

The Examiner has requested that Applicants present a listing of all applications that Applicants have filed that claim the instant sequences either as discrete SEQ ID NOs or as fragments of larger sequences in any methods of administration and/or treatment. Furthermore, the Office Communication requested that Applicants identify for the Examiner the SEQ ID NOs recited in the claims of the related applications that correspond to the SEQ ID NOs currently recited in the claims of the present application. In the event that the presently claimed sequences fall within a larger sequence recited in the claims of the related applications, Applicants were requested to identify the corresponding sequence by amino acid or nucleotide numbering

In response to the Office Communication, Applicants provide a list of related patents and applications that contain method claims that recite the use of polypeptides designated by SEQ ID NO. Applicants also provide Tables 1-14, which list the sequences recited in the claims of the present application and identify the presence or absence of those sequences in the claims of the specified patent or application.

Related Patents and Patent Applications

Applicants provide the following list of related patents and applications that contain method claims that recite the use of one or more of the sequences recited in the present claims:

1. U.S. Patent No. 5,602,096
2. U.S. Patent No. 6,194,377
3. U.S. Patent No. 6,204,241
4. U.S. Patent No. 6,232,286
5. U.S.S.N. 08/411,295
6. U.S.S.N. 08/461,097
7. U.S.S.N. 08/468,731
8. U.S.S.N. 08/472,065
9. U.S.S.N. 09/298,121
10. U.S.S.N. 08/471,833
11. U.S.S.N. 08/734,592
12. U.S.S.N. 08/735,010
13. U.S.S.N. 09/864,675
14. U.S.S.N. 10/844,218
15. U.S.S.N. 08/736, 070
16. U.S.S.N. 09/530, 884

Applicants provide the above list of patents and applications with candor and good faith as required under 37 C.F.R. § 1.56. Moreover, it is Applicants' understanding that numerical designations of SEQ ID NOs: are consistent among the above-listed patents and patent applications that are related as Continuation or Divisional Applications. Thus, a particular sequence identified as, e.g., SEQ ID NO: 154 as recited in, for example, U.S. Patent No. 5,602,096 is understood by Applicants to be the same sequence as that designated as SEQ ID NO: 154 in, for example, 09/472,065. Notably, U.S. Patent No. 5,602,096 and 09/472,065 are related as Divisional Applications.

Applicants note that U.S. Serial Nos. 08/736,070 and 09/530,884 are no longer active. Thus, no further information is necessitated with respect to these applications. A Continuation Application of 08/736,070, however, has been filed which is designated U.S. Serial No. 10/844,218. Accordingly Applicants are presenting herein information pertaining to the claims and sequence identifiers recited therein that are presently under consideration in U.S. Serial No. 10/844,218.

Listing of Sequences Recited in the Present Claims and Identification of the Corresponding Sequences in Related Patents and Applications

Applicants also provide herewith Tables 1-14, which list the sequences recited in the present application (by claim number) and identify the presence or absence of the presently recited sequences in the claims of U.S.P.N. 5,602,096 (Table 1); U.S.P.N. 6,194,377 (Table 2); U.S.P.N. 6,204,241 (Table 3); U.S.P.N. 6,232,286 (Table 4); U.S.S.N. 08/411,295, now U.S.P.N. 6,750,196 (Table 5); U.S.S.N. 08/461,097 (Table 6); U.S.S.N. 08/468,731 (Table 7); U.S.S.N. 08/472,065 (Table 8); U.S.S.N. 09/298,121 (Table 9); U.S.S.N. 08/471,833 (Table 10); U.S.S.N. 08/734,592 (Table 11); U.S.S.N. 08/735,010 (Table 12); U.S.S.N. 08/864,675 (Table 13); and U.S.S.N. 10/844,218 (Table 14). Applicants note that if an amino acid or nucleic acid sequence that is recited in the present application is a portion of a larger sequence recited in the claims of the indicated patent or application, Applicants have indicated the region of overlap using amino acid or nucleotide number, as requested by the Examiner.

In the interest of brevity, if a dependent claim from one of the above-listed related applications recites a subset of SEQ ID NOs: recited in a claim from which it depends, the claim from which it depends and the full set of SEQ ID NOs: recited therein is included in a relevant Table, but the dependent claim and its SEQ ID NOs: may not be necessarily included. The information from the dependent claim and its SEQ ID NOs: would be essentially redundant to that included with respect to the claim from which it depends. As a hypothetical example, if claim 4 recites SEQ ID NOs: 1-3 and claim 5, which depends from claim 4, recites only SEQ ID NO: 1, claim 4 is listed in tabular form, whereas claim 5 is not necessarily included.

With particular regard to Table 8 (which relates U.S.S.N. 08/472,065), Applicants presume that elements of Table 8 that were previously presented during the course of prosecution of U.S.S.N. 08/471,833 are correct in view of the Examiner's responsive commentary thereto with respect to U.S.S.N. 08/471,833.

Listing of Sequences Recited in the Present Claims and Identification of the Corresponding Sequences in Related Patents and Applications

Applicants also provide herewith Tables 1-14, which list the sequences recited in the present application (by claim number) and identify the presence or absence of the presently recited sequences in the claims of U.S.P.N. 5,602,096 (Table 1); U.S.P.N. 6,194,377 (Table 2); U.S.P.N. 6,204,241 (Table 3); U.S.P.N. 6,232,286 (Table 4); U.S.S.N. 08/411,295, now U.S.P.N. 6,750,196 (Table 5); U.S.S.N. 08/461,097 (Table 6); U.S.S.N. 08/468,731 (Table 7); U.S.S.N. 08/472,065 (Table 8); U.S.S.N. 09/298,121 (Table 9); U.S.S.N. 08/471,833 (Table 10); U.S.S.N. 08/734,592 (Table 11); U.S.S.N. 08/735,010 (Table 12); U.S.S.N. 08/864,675 (Table 13); and U.S.S.N. 10/844,218 (Table 14). Applicants note that if an amino acid or nucleic acid sequence that is recited in the present application is a portion of a larger sequence recited in the claims of the indicated patent or application, Applicants have indicated the region of overlap using amino acid or nucleotide number, as requested by the Examiner.

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~~For the purposes of~~ brevity, if a dependent claim from one of the above-listed related applications recites a subset of SEQ ID NOs: recited in a claim from which it depends, the claim from which it depends and the full set of SEQ ID NOs: recited therein is included in a relevant Table, but the dependent claim and its SEQ ID NOs: ~~is~~ ^{may be} ~~would be~~ not necessarily included. The information from the dependent claim and its SEQ ID NOs: is essentially redundant to that included with respect to the claim from which it depends. As a hypothetical example, if claim 4 recites SEQ ID NOs: 1-3 and claim 5, which depends from claim 4, recites only SEQ ID NO: 1, claim 4 is listed in tabular form, whereas claim 5 is not necessarily included.

With particular regard to Table 8 (which relates U.S.S.N. 08/472,065), Applicants presume that elements of Table 8 that were previously presented during the course of prosecution of U.S.S.N. 08/471,833 are correct in view of the Examiner's responsive commentary thereto with respect to U.S.S.N. 08/471,833.

Details Pertaining to the Claims

Claim 143 is objected to as being dependent upon a rejected base claim. The filing of a Terminal Disclaimer is believed to address the rejection of the base claim from which claim 143 depends and is, therefore, also anticipated to address the objection to claim 143, so that withdrawal of this objection is in order.

Claims 132, 136, 137, and 139-143 are presently under consideration.

Rejections under the judicially created doctrine of obviousness-type double patenting

The Examiner has rejected claims 132, 136, 137, and 139-142 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claim 11 of U.S. Patent No. 6,204,241. A Terminal Disclaimer is attached hereto, the filing of which is believed to overcome the above rejection of claims 132, 136, 137, and 139-142 of the present invention under the judicially created doctrine of obviousness-type double patenting.

The Examiner has rejected claims 132, 136, 137, and 139-142 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1 and 2 of U.S. Patent No. 6,635,249. A Terminal Disclaimer is attached hereto, the filing of which is believed to overcome the above rejection of claims 132, 136, 137, and 139-142 of the present invention under the judicially created doctrine of obviousness-type double patenting.

The Examiner has rejected claims 132, 136, 137, and 139-142 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claim 1 of co-pending U.S. Application No. 08/461,097. A Terminal Disclaimer is attached hereto, the filing of which is believed to overcome the above rejection of claims 132, 136, 137, and 139-142 of the present invention under the judicially created doctrine of obviousness-type double patenting.

The Examiner has rejected claims 132, 136, 137, and 139-142 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claim 145 of co-pending U.S. Application No. 08/471,833. A Terminal Disclaimer is attached hereto, the filing of which is believed to overcome the above rejection of claims 132, 136, 137, and 139-142 of the present invention under the judicially created doctrine of obviousness-type double patenting.

Details Pertaining to the Claims

Claim 143 is objected to as being dependent upon a rejected base claim. The filing of a Terminal Disclaimer is believed to address the rejection of the base claim from which claim 143 depends and is, therefore, also anticipated to address the objection to claim 143, *not least withdrawn of the objection is in order.* Claims 132, 136, 137, and 139-143 are presently under consideration.

Rejections under the judicially created doctrine of obviousness-type double patenting

The Examiner has rejected claims 132, 136, 137, and 139-142 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claim 11 of U.S. Patent No. 6,204,241. A Terminal Disclaimer is attached hereto, the filing of which is believed to overcome the above rejection of claims 132, 136, 137, and 139-142 of the present invention under the judicially created doctrine of obviousness-type double patenting.

The Examiner has rejected claims 132, 136, 137, and 139-142 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1 and 2 of U.S. Patent No. 6,635,249. A Terminal Disclaimer is attached hereto, the filing of which is believed to overcome the above rejection of claims 132, 136, 137, and 139-142 of the present invention under the judicially created doctrine of obviousness-type double patenting.

The Examiner has rejected claims 132, 136, 137, and 139-142 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claim 1 of co-pending U.S. Application No. 08/461,097. A Terminal Disclaimer is attached hereto, the filing of which is believed to overcome the above rejection of claims 132, 136, 137, and 139-142 of the present invention under the judicially created doctrine of obviousness-type double patenting.

The Examiner has rejected claims 132, 136, 137, and 139-142 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claim 145 of co-pending U.S. Application No. 08/471,833. A Terminal Disclaimer is attached hereto, the filing of which is believed to overcome the above rejection of claims 132, 136, 137, and 139-142 of the present invention under the judicially created doctrine of obviousness-type double patenting.

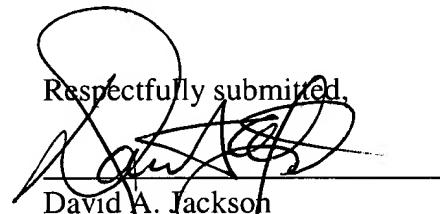
The Examiner has rejected claims 132 and 139-140 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claim 11 of co-pending U.S. Application No. 09/530,884. Co-pending U.S. Application No. 09/530,884 is no longer active. Thus, the rejection of claims 132 and 139-140 under the judicially created doctrine of obviousness-type double patenting in view of U.S. Application No. 09/530,884 is obviated and Applicant respectfully requests that this rejection be withdrawn.

Fees

No additional fees are believed to be necessitated by this amendment. However, should this be an error, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment or to credit any overpayment.

Conclusion

It is submitted, therefore, that the claims are in condition for allowance. No new matter has been introduced. Allowance of all claims at an early date is solicited. In the event that there are any questions concerning this amendment, or application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,


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Enclosures: Tables 1-14; Terminal Disclaimer; Petition for a Three Month Extension of Time